REMARKS

Claims remaining in the present Patent Application are Claims 1-24. The Applicants respectfully request reconsideration of the above captioned patent application in view of the remarks presented herein.

U.S.C. § 102

Claims 1-4, 13-16 and 19-22 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Cannon et al. (US 2002/0090912, "Cannon"). Applicants have carefully reviewed the cited reference and respectfully assert that embodiments of the present invention as recited in Claims 1-4, 13-16 and 19-22 are not anticipated or rendered obvious by Cannon in view of the following rationale.

With respect to Independent Claim 19, Applicants respectfully assert that Cannon does not teach or fairly suggest the limitation of "wherein said establishing bypasses a Bluetooth discovery process" as recited by Claim 19.

The rejection argues, "Cannon teaches a Bluetooth device is capable of establishing communications with other Bluetooth devices within an established piconet." Applicants respectfully traverse.

Applicants respectfully assert that the rejection improperly equates Cannon's "piconet" with a special group of devices, e.g., devices with a particular PIN code. Applicants respectfully assert that Cannon teaches a piconet is a set of all Bluetooth devices within communication range. For example,

an inquiry can be broadcast to all communicating piconet devices and only those other piconet devices having a matching passcode or PIN associated therewith can automatically forward their respective 48-bit unique BD_ADDR addresses to the inquiring piconet device (Abstract).

In addition, Cannon uses the term "piconet" in a very generic manner. For example, "[t]his invention relates generally to piconet wireless networks. More particularly, it relates to a user friendly configuration of BLUETOOTH™ piconet type networks" [0002].

Further, Cannon defines the term for the reader, "[p]iconets, or small wireless networks" and "(BLUETOOTH™ is) a popular piconet standard" [0004].

Thus, Cannon clearly teaches BLUETOOTH™ is a piconet. Thus, Cannon does not teach that a piconet is a restricted set of devices, as equated by the rejection.

The rejection continues, "Bluetooth discovery procedure has (taken place) in order to establish the piconet." Applicants respectfully traverse. Applicants respectfully assert that Cannon does not teach, "establishing" a piconet. Rather, Cannon teaches establishing communication among a set of devices within a piconet. For example:

an inquiry can be broadcast to all communicating piconet devices and only those other piconet devices having a matching passcode or PIN associated therewith can automatically forward their respective 48-bit unique BD_ADDR addresses to the inquiring piconet device (Abstract).

Applicants respectfully assert that this citation of Cannon teaches establishing communication among a set of devices <u>within</u> a piconet. A BLUETOOTH™ discovery is attempted on all devices in a piconet, e.g., all devices within range. Only "piconet devices having a matching passcode or PIN" respond and complete the discovery process.

Moreover, Cannon consistently teaches a BLUETOOTH™ discovery in establishing such communications. For example, "an inquiry can be broadcast to all communicating piconet devices" (Abstract) and "[t]he BLUETOOTH™ device searches out all other BLUETOOTH™ devices... in the piconet, e.g., within the 10 m connection range" [0047].

Elsewhere, Cannon teaches "an <u>inquiry</u> can be <u>broadcast</u> to all communicating piconet devices" [0033, emphasis added].

Furthermore, Cannon describes his invention as "an application layer function <u>outside</u> the BLUETOOTH™ protocol" [0032, emphasis added]. Applicants respectfully assert that one of ordinary skill in the art would understand Cannon to teach <u>no</u> changes to the BLUETOOTH™ protocol. As is well known in the art, the BLUETOOTH™ protocol utilizes a discovery process to establish BLUETOOTH™ communications, in contrast to the instant limitation.

In contrast to the recited limitation of Claim 19, Cannon teaches, "[i]n step 204, the relevant BLUETOOTH device <u>inquires</u> to other BLUETOOTH devices within range to <u>find</u> other BLUETOOTH devices...." [0041] (emphasis added).

Elsewhere, Cannon teaches, "[i]n a preferred embodiment, the BLUETOOTH device searches out all other BLUETOOTH devices" [0047] (emphasis added).

By "inquir(ing) to other BLUETOOTH devices within range" and/or "search(ing) out all other BLUETOOTH devices," Cannon teaches a conventional Bluetooth discovery process, unlike the claimed embodiment. In this manner Cannon actually teaches away from embodiments in accordance with the present invention as recited in Claim 19.

For these reasons, Applicants strongly assert that Claim 19 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

Claims 20-24 depend from Independent Claim 19. Applicants respectfully assert that these Claims overcome the rejections of record as they depend from an allowable base claim, and respectfully solicit allowance of these Claims.

Claim 1 is rejected for the same reasons as set forth in the rejection of Claim 19. Applicants respectfully assert that Claim 1 overcomes the rejections of record for at least the rationale presented above with respect to Claim 19. Applicants respectfully solicit allowance of this Claim.

Claims 2-12 depend from Independent Claim 1. Applicants respectfully assert that these Claims overcome the rejections of record as they depend from and allowable base claim, and respectfully solicit allowance of these Claims.

Claim 13 is rejected for the same reasons as set forth in the rejection of Claim 19, as apparatus. Applicants respectfully assert that Claim 13 overcomes the rejections of record for at least the rationale presented above with respect to Claim 19. Applicants respectfully solicit allowance of this Claim.

Claims 14-18 depend from Independent Claim 13. Applicants respectfully assert that these Claims overcome the rejections of record as they depend from an allowable base claim, and respectfully solicit allowance of these Claims.

35 U.S.C. § 103(a) Rejections

Claims 5-6, 17-18 and 23-24 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Cannon et al. (US 2002/0090912 "Cannon"). Applicants have carefully reviewed the cited reference and assert that embodiments of the present invention as recited in Claims 5-6, 17-18 and 23-24 are not rendered obvious by Cannon.

Applicants respectfully assert that Claims 5-6, 17-18 and 23-24 overcome the rejections of record as they depend from allowable base claims, and respectfully solicit allowance of these Claims.

Additionally, for the rationale presented above with respect to Claim 19, Applicants respectfully assert that Cannon actually teaches away from embodiments in accordance with the present invention as recited in Claims 5-6, 17-18 and 23-24.

For this additional reason, Applicants respectfully assert that Claims 5-6, 17-18 and 23-24 overcome the rejections of record as they depend from allowable base claims, and respectfully solicit allowance of these Claims.

Claims 7-12 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Cannon in view of Pinder et al. (US 6,701,160 "Pinder"). Applicants have carefully reviewed the cited references in their entirety and assert that embodiments of the present invention as recited in Claims 7-12 are not obvious over Cannon in view of Pinder.

Applicants respectfully assert that the rejection's proposed modification of Cannon in view of Pinder changes the principle of operation of Cannon. Applicants respectfully assert that Cannon functions based upon receiving calls "from only BLUETOOTH devices having matching PIN or passcode types" [0041]. Cannon's special group of allowed devices thus do not receive communication requests from outside of the special group of allowed devices (identified by matching PIN or passcode type).

The rejection <u>concedes</u> that Cannon does not teach rejecting a communication request if the device ID is not on a trusted list. Applicants respectfully assert that Cannon does not fairly suggest such rejecting. Consequently, in accordance with Cannon, no communication requests are received from outside of the specified group, and no communication requests are rejected. In order to control access, Cannon depends upon shared modifications ("an application layer function outside the BLUETOOTH protocol" [Abstract]) and mutual cooperation among devices.

In contrast, Pinder's method of rejecting a communication request is implemented entirely at a single device, e.g., the receiving end of a communication request. Under Pinder, any device is allowed to make a communication request. Based upon a variety of rules implemented at, and known only by, a device at the receiving end, such a device determines whether to accept or reject a particular communication request.

Applicants respectfully assert that the foundations of Cannon and Pinder are incompatible, and that a proposed modification of Cannon in view of Pinder must fundamentally change the principle of operation of Cannon. For this reason, Applicants respectfully assert that the combined teaching of Cannon in view of Pinder does not teach or suggest the claimed embodiments. Consequently, Applicants respectfully assert that Independent Claims 7-12 overcome the rejection of record, and respectfully solicit allowance of these Claims.

Further, Applicants respectfully assert that the rejection's citation of Pinder is improper because the reference is nonanalogous art per *In re Clay, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir 1992)*. Applicants understand Pinder to be directed to mobile (cellular) telephony devices whereas embodiments in accordance with the present invention in general, and Claims 7-12 in particular, are directed to Bluetooth pico-networks.

Applicants respectfully assert that Pinder would not commend itself to one of ordinary skill in the art in consideration of the problems solved by the present invention, due to the myriad well known differences between cellular telephony and pico-networks.

For this yet further reason, Applicants respectfully assert that Claims 7-12 overcome the rejections of record, and respectfully solicit allowance of these Claims.

Further still with respect to Claims 7-12, Applicants respectfully assert that there is no motivation in the cited art to combine Cannon in view of Pinder in the manner suggested by the rejection. Both Cannon and Pinder are complete. More particularly, Cannon teaches limiting communications to particular devices. Applicants respectfully assert one of ordinary skill in the art would not be motivated to modify Cannon to achieve the same end.

For this still further reason, Applicants respectfully assert that Claims 7-12 overcome the rejections of record, and respectfully solicit allowance of these Claims.

In addition with respect to Claim 7, Applicants respectfully assert that Pinder does not teach, suggest or disclose "rejecting a (Bluetooth) communications request if said device identification is not a member of said list of trusted device identifications" as recited by Claim 7. In contrast, Pinder teaches,

"[a]n acceptance list informs the subscriber unit to <u>allows</u> [sic] calls received from callers listed...." (column 3 lines 15-16)

Applicants respectfully assert that "allow(ing) calls received from callers" <u>on</u> a list does not teach, suggest or disclose "rejecting a communications request" from callers <u>not</u> on a list, as recited by Claim 7.

For this additional reason, Applicants respectfully assert that Claim 7 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

Claims 8-12 depend from Independent Claim 7. Applicants respectfully assert that these Claims overcome the rejections of record as they depend from an allowable base claim, and respectfully solicit allowance of these Claims.

CONCLUSION

Claims remaining in the present patent application are Claims 1-24. The Applicants respectfully request reconsideration of the above captioned patent application.
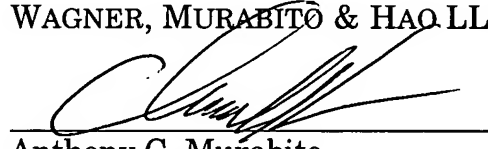
The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 23-0085.

Respectfully submitted,

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